

REMARKS

Claims 1-25 are pending. The Office Action/Restriction Requirement mailed December 30, 2008 has been reviewed and carefully considered.

In the Office Action mailed December 30, 2008, the Examiner made a restriction requirement of the following groups:

Group I. Claims 1-21, drawn to a cargo compartment floor; and

Group II. Claims 22-25, drawn to a method of assembly.

Applicants respectfully traverse the election requirement imposed in the Office Action, but provisionally elect with traverse Group I, claims 1-21, drawn to a cargo compartment floor.

Applicants object to and traverse the election requirements on the grounds that the subject matter of the groups overlap. In addition, the mandatory fields of search for the embodiments are coextensive as shown below.

The Examiner maintains that Inventions I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical features under PCT Rule 13.1 and PCT Rule 13.2.

Applicants respectfully maintain that the criteria of MPEP § 803 are not met for a proper restriction requirement. There may be a burden, but not a serious burden under MPEP § 803:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The invention must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if

restriction is >not< required (see MPEP § 803.2, **>§ 808<, and § 808.02).

In groups I and II, claims include certain overlapping fields of search including the certain features have to be searched for all groups, thus there should be no serious burden on the Examiner.

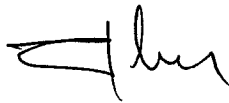
Therefore, respectfully, as shown above and according to MPEP §803, it is clear that the restriction of the present application is improper and creates no serious burden on the Examiner and so all the claims should be examined.

CONCLUSION

Applicants respectfully request the withdrawal of the restriction requirement in view of the foregoing remarks.

No fee is necessary for the filing of this paper; however, the Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit 59482.21820.

Respectfully submitted,
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